

REMARKS/ARGUMENTS

Favorable consideration of this application, in light of the following discussion and in light of the amendments to the claims submitted herewith, is respectfully requested.

In view of the citation in the parent application Serial No. 09/598,435 of U.S. Patent 4,601,710 to Moll and U.S. Patent 5,882,341 to Yoon, a further review of such references and the remaining references of record in such an application has been made, bearing in mind the reasons for allowance indicated by the Examiner in the Examiner's amendment in the parent application, favorable consideration of the attached claims is believed to be merited. More particularly, in such an application, the Examiner indicated that the prior art does not teach a trocar guard positioned between a cutting blade and expander and does not teach a device wherein the guard has a planar portion, parallel to the cutting blade. In this regard, it is further noted that Moll only teaches the use of a multiply bladed cutting tip and, more particularly, the combination of three blades as best shown in Figures 3, 4 and 5B thereof. Applicants' invention, to the contrary, utilizes a substantially flat blade located at a distal end of the penetrator and also utilizes a tissue expander mounted within and expanded at a distal end of the penetrator, rather than being located on the outer periphery (i.e., front end 66) of the cannula 6 in Moll, and thus functions in a preferable manner for tissue expansion adjacent to the cutting blade. Applicants' invention also is characterized by having a substantially flat guard moveable with respect to the tissue expander. In view of these readily understandable differences between the present invention as compared with the prior art, new Claims 143-161 have now been added to more fully protect Applicant's invention.

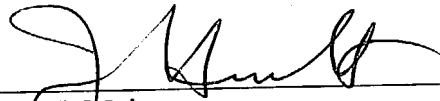
In view of the foregoing, an early and favorable Office Action is believed to be in order and the same is hereby respectfully requested. In addition, insofar as additional prior art has recently come to Applicants' attention, submitted herewith is an information disclosure statement for the purpose of providing the Examiner with a copy of the same. It is

Application Serial No. 10/092,560
Inventor: Ernesto E. Blanco

submitted, however, that Applicants' claimed invention patentably defines over each of these references taken either separately or in combination with any other prior art of record in parent Application Serial No. 09/598,453.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
James D. Hamilton
Registration No. 28,421

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/03)

I:\ATTY\JDH\217395US-SUPPR.DOC

I:\attyJDH\217395US-suppr.doc